

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUSTIN DOUGLAS HAYNES,) CASE NO.: C07-0828-RSM
Petitioner,)
v.)
RON VAN BOENING,) ORDER DISMISSING § 2254
Respondent.) PETITION

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's motion to dismiss, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Respondent's motion to dismiss (Doc. #10) is GRANTED. Petitioner's petition for a writ of habeas corpus (Doc. #1) is DISMISSED as untimely. *See* 28 U.S.C. § 2244(d)(1)(A); and

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01 (3) The Clerk is directed to send a copy of this Order to petitioner, to counsel for
02 respondent, and to Judge Theiler.

03 DATED this _30_ day of _October_, 2007.

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07 RICARDO S. MARTINEZ
08 UNITED STATES DISTRICT JUDGE
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